

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 25, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Todd Everts, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 118, 1/18/2017; SB 122, 1/18/2017; SB 123, 1/18/2017
Executive Action:	SB 61-Tabled, SB 66-Tabled, SB 122-Tabled, SJ 4-Tabled, SB 45-Do Pass, SB 59-Do Pass, SB 60-Do Pass, SB 63-Do Pass As Amended, SB 65-Do Pass As Amended, SB 67-Do Pass, SB 71-Do Pass, SB 107-Do Pass, SJ 3-Be Adopted, SB 64-Do Pass As Amended-Motion Withdrawn

00:00:30 Chairman Regier

HEARING ON SB 118

Opening Statement by Sponsor:

00:02:37 Sen. Mary McNally (D), SD 24, opened the hearing on SB 118, Provide for uniform act regarding fiduciary access to digital assets.

Proponents' Testimony:

00:08:22 Ed Eck, retired law professor, University of Montana; commissioner, Uniform Law Commission (ULC)

[EXHIBIT\(jus18a01\)](#)

[EXHIBIT\(jus18a02\)](#)

00:13:10 Bill Roberts, volunteer advocate, AARP

[EXHIBIT\(jus18a03\)](#)

00:16:30 Carin McClain, Montana's Credit Unions

00:18:01 Dirk Williams, attorney, member, State Bar of Montana; Business, Estates, Trusts, Taxation and Real Property Council (BETTR); American College of Trust and Estate Council

[EXHIBIT\(jus18a04\)](#)

[EXHIBIT\(jus18a05\)](#)

00:23:31 Aimee Grmoljez, Montana Bankers Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:24:41 Sen. Moe

00:25:15 Mr. Eck, ULC

00:27:58 Chairman Regier

00:28:14 Mr. Eck

00:28:28 Chairman Regier

00:28:43 Mr. Williams, BETTR

Closing by Sponsor:

00:29:05 Sen. McNally

[EXHIBIT\(jus18a06\)](#)

HEARING ON SB 122

Opening Statement by Sponsor:

00:32:51 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 122, Generally revise criminal justice laws.

Proponents' Testimony:

None

Opponents' Testimony:

00:35:04 Mark Murphy, Montana County Attorneys Association

Informational Testimony:

None

Questions from Committee Members and Responses:

00:35:55 Sen. Fielder

00:36:18 Sen. MacDonald

00:37:21 Sen. Hinkle

00:37:38 Sen. MacDonald

00:38:09 Sen. Moe

Closing by Sponsor:

00:38:43 Sen. MacDonald

HEARING ON SB 123

Opening Statement by Sponsor:

00:39:09 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 123, Revise marriage license laws to allow nonresidents to get licenses in any county.

Proponents' Testimony:

00:40:10 Phyllis Smith, clerk of District Court, Fergus County, Montana Association of Clerks of District Courts

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:42:06 Sen. Fielder
00:42:33 Sen. Swandal

Closing by Sponsor:

00:43:41 Sen. Swandal

EXECUTIVE ACTION ON SB 45

00:46:17 **Motion:** Sen. MacDonald moved that **SB 45 DO PASS.**

Discussion:

00:46:35 Sen. Swandal

00:46:56 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 59

00:47:48 **Motion:** Sen. Fielder moved that **SB 59 DO PASS.**

Discussion:

00:48:06 Sen. Swandal

Sen. MacDonald left the room.

00:48:38 **Vote:** Motion carried 9-2 by roll call vote with Sen. Hinebauch and Sen. Sales voting no. Sen. MacDonald voted by proxy.

Sen. MacDonald returned to the room.

EXECUTIVE ACTION ON SB 60

00:49:39 **Motion:** Sen. Fielder moved that **SB 60 DO PASS.**

Discussion:

00:49:51 Sen. Swandal

00:50:46 Sen. Sands

00:51:14 **Vote:** Motion carried 7-4 by roll call vote with Sen. Hinebauch, Sen. Hinkle, Sen. Sales and Sen. Vincent voting no.

EXECUTIVE ACTION ON SB 61

00:52:11 **Motion:** Sen. Fielder moved that **SB 61 DO PASS.**

Discussion:

00:52:27 Sen. MacDonald

00:53:00 Sen. Sands

00:53:27 **Vote:** Motion failed 4-7 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. Sands voting aye.

00:53:57 **Motion/Vote:** Sen. Sales moved that **SB 61 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 63

00:54:21 **Motion:** Sen. Fielder moved that **SB 63 DO PASS.**

Discussion:

00:55:14 Sen. MacDonald

00:56:37 **Motion:** Sen. Swandal moved that **SB 63 BE AMENDED WITH ONLY SECTIONS 2, 3, 5, 6, and 7, EXCLUDING SECTIONS 1 and 4 of AMENDMENT SB006301.AJB.**

EXHIBIT(jus18a07)

00:57:35 Chairman Regier

00:57:46 Without objection, Sen. Swandal withdrew his motion.

00:57:55 **Motion/Vote:** Sen. Swandal moved to **SEGREGATE SECTIONS 2, 3, 5, 6, and 7 of AMENDMENT SB006301.AJB.** Motion carried unanimously by voice vote.

00:58:51 **Motion:** Sen. Swandal moved that **SB 63 BE AMENDED WITH SECTIONS 2, 3, 5, 6, and 7 of AMENDMENT SB006301.AJB.**

Discussion:

01:01:27 Sen. MacDonald

01:01:53 **Vote:** Motion carried unanimously by roll call vote.

01:02:09 **Motion/Vote:** Sen. Fielder moved that **SB 63 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 64

01:03:10 **Motion:** Sen. Fielder moved that **SB 64 DO PASS.**

Discussion:

01:03:35 Sen. Swandal
01:04:02 Chairman Regier

01:04:52 **Motion:** Sen. Moe moved that **SB 64 BE AMENDED.**
EXHIBIT(jus18a08)

Discussion:

01:06:41 Sen. Sands
01:07:40 Sen. Moe
01:08:03 Sen. Swandal
01:08:25 Sen. Fielder
01:09:20 Sen. Swandal
01:09:23 Sen. Moe
01:10:24 Sen. Vincent
01:11:23 Chairman Regier

01:12:07 **Vote:** Motion failed 5-6 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe, Sen. Sands and Sen. Swandal voting aye.

01:12:16 **Motion/Vote:** Sen. Swandal moved that **SECTION 3 BE SEGREGATED FROM AMENDMENT SB006401.AJB.** Motion carried unanimously by voice vote.
EXHIBIT(jus18a09)

01:13:27 **Motion:** Sen. Swandal moved that **SB 64 BE AMENDED WITH SECTION 3 OF AMENDMENT SB006401.AJB.**

Discussion:

01:13:56 Sen. MacDonald

01:14:41 **Vote:** Motion carried unanimously by voice vote.

01:14:57 **Motion/Vote:** Sen. Swandal moved that **SECTION 2 BE SEGREGATED FROM AMENDMENT SB006401.AJB.** Motion carried unanimously by voice vote.

Discussion:

01:16:21 Sen. Moe
01:16:36 Sen. Swandal
01:16:49 Sen. Moe
01:17:03 Sen. Swandal

01:17:44 **Motion/Vote:** Sen. Swandal moved that **SB 64 BE AMENDED WITH SECTION 2 OF AMENDMENT SB006401.AJB**. Motion carried unanimously by voice vote.

01:18:00 **Motion:** Sen. Fielder moved that **SB 64 DO PASS AS AMENDED**.

Discussion:

01:18:11 Sen. Sales
 01:19:12 Sen. Wolken
 01:21:48 Sen. Fielder
 01:22:10 Sen. Wolken
 01:22:59 Sen. Vincent
 01:23:43 Sen. Wolken
 01:25:20 Sen. Sands
 01:26:03 Sen. Wolken
 01:27:25 Sen. Hinkle
 01:27:41 Chairman Regier

01:28:01 Without objection, Sen. Fielder withdrew the **SB 64 DO PASS AS AMENDED** motion.

01:29:05 Chairman Regier

01:29:52 Brief Recess
 01:39:15 Reconvene

EXECUTIVE ACTION ON SB 65

01:39:30 **Motion:** Sen. Fielder moved that **SB 65 DO PASS**.

01:40:41 **Motion:** Sen. Moe moved that **SB 65 BE AMENDED**.
[EXHIBIT\(jus18a10\)](#)

Discussion:

01:41:59 Sen. Swandal
 01:42:04 Sen. Moe
 01:42:12 Sen. Fielder
 01:42:56 Sen. Moe
 01:43:04 Sen. MacDonald
 01:43:47 Chairman Regier
 01:43:52 Todd Everts, Legislative Services Division
 01:43:54 Chairman Regier

01:44:15 **Vote:** Motion carried unanimously by voice vote.

01:44:33 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED**.

Discussion:

01:44:44 Sen. Hinkle
 01:45:45 Chairman Regier
 01:45:56 Sen. Gross
 01:46:41 Sen. Fielder
 01:47:17 Sen. Wolken
 01:48:54 Sen. Sands
 01:50:44 Sen. Sales
 01:52:15 Sen. Hinkle
 01:52:47 Sen. MacDonald
 01:54:58 Sen. Gross
 01:55:45 Sen. Sands
 01:56:03 Chairman Regier
 01:56:19 Sen. Fielder
 01:56:50 Sen. Wolken
 01:57:49 Sen. Moe
 01:58:32 Chairman Regier
 01:59:26 Sen. Sands
 02:00:24 Sen. Vincent

02:03:16 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. Hinkle and Sen. S. Sales voting no.

EXECUTIVE ACTION ON SB 66

02:04:15 **Motion:** Sen. Fielder moved that **SB 66 DO PASS.**

02:05:00 **Motion/Vote:** Sen. Swandal moved that **SB 66 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(jus18a11)

02:06:30 **Motion:** Sen. Fielder moved that **SB 66 DO PASS AS AMENDED.**

Discussion:

02:06:44 Sen. Hinkle
 02:08:14 Sen. Vincent
 02:08:46 Sen. Swandal
 02:09:51 Sen. Sands
 02:10:52 Sen. Sales
 02:12:54 Chairman Regier
 02:13:08 Sen. Fielder
 02:14:22 Sen. MacDonald
 02:15:40 Sen. Gross
 02:16:43 Sen. Sands
 02:17:05 Sen. Sales
 02:17:10 Sen. Sands
 02:17:30 Sen. Sales
 02:18:07 Sen. Swandal

02:19:02 **Vote:** Motion failed 5-6 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe, Sen. Sands and Sen. Swandal voting aye.

02:19:39 **Motion/Vote:** Sen. Fielder moved that **SB 66 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 67

02:20:08 **Motion:** Sen. Fielder moved that **SB 67 DO PASS**.

Discussion:

02:20:28 Sen. Swandal

02:20:53 Sen. Sands

02:21:47 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 71

02:22:38 **Motion:** Sen. Gross moved that **SB 71 DO PASS**.

Discussion:

02:23:21 Sen. Swandal

02:23:35 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 107

02:24:23 **Motion/Vote:** Sen. Fielder moved that **SB 107 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SJ 4

02:25:47 **Motion:** Sen. MacDonald moved that **SJ 4 BE ADOPTED**.

Discussion:

02:26:41 Chairman Regier

02:27:01 Sen. Sands

02:28:04 Sen. Fielder

02:30:09 Chairman Regier

02:30:24 Sen. MacDonald

02:32:16 Sen. Swandal

02:32:58 **Vote:** Motion failed 5-6 by roll call vote with Sen. Fielder, Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. Sands voting aye.

02:33:44 **Motion/Vote:** Sen. Fielder moved that **SJ 4 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SJ 3

02:34:21 **Motion:** Sen. Fielder moved that **SJ 3 BE ADOPTED**.

Discussion:

02:34:42 Sen. Sales
02:35:09 Sen. MacDonald
02:35:43 Mark Murphy, Montana County Attorneys Association
02:37:17 Sen. Swandal
02:38:00 Sen. MacDonald

02:39:23 **Vote:** Motion carried unanimously by roll call vote.

02:40:13 Chairman Regier

EXECUTIVE ACTION ON SB 122

02:40:39 **Motion/Vote:** Sen. MacDonald moved that **SB 122 BE TABLED**. Motion carried unanimously by voice vote.

02:41:00 Sen. Vincent
02:41:13 Chairman Regier

ADJOURNMENT

Adjournment: 11:42 A.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus18aad.pdf](#))